

1 EDMUND G. BROWN JR.
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 CHAR SACHSON
Deputy Attorney General
4 State Bar No. 161032
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5558
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10
11 In the Matter of the Accusation Against:

Case No. **2010-514**

12 **CHARLES MARCUS LAMBERT**
13 **514 Liberty Street**
Petaluma, CA 94952

ACCUSATION

14 **Registered Nurse License No. 457308**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about August 31, 1990, the Board of Registered Nursing issued Registered
23 Nurse License Number 457308 to Charles Marcus Lambert (Respondent). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on October 31, 2011, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
3 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
4 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
5 Nursing Practice Act.

6 5. Section 2761 of the Code states:

7 "The board may take disciplinary action against a certified or licensed nurse or deny an
8 application for a certificate or license for any of the following:

9 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

10 ...

11 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
12 functions, and duties of a registered nurse, in which event the record of the conviction shall be
13 conclusive evidence thereof.

14 ..."

15 6. Section 2762 of the Code states:

16 "In addition to other acts constituting unprofessional conduct within the meaning of this
17 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
18 chapter to do any of the following:

19 ...

20 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
21 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
22 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
23 himself or herself, any other person, or the public or to the extent that such use impairs his or her
24 ability to conduct with safety to the public the practice authorized by his or her license.

25 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
26 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
27 or the possession of, or falsification of a record pertaining to, the substances described in
28

1 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
2 thereof.

3 ..."

4 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or
5 revoke a license on the ground that the licensee has been convicted of a crime substantially
6 related to the qualifications, functions, or duties of the business or profession for which the
7 license was issued.

8 8. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
9 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
10 licensee or to render a decision imposing discipline on the license.

11 9. Section 118, subdivision (b), of the Code provides that the expiration of a license
12 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
13 within which the license may be renewed, restored, reissued or reinstated.

14 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
15 administrative law judge to direct a licensee found to have committed a violation or violations of
16 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
17 enforcement of the case.

18 FIRST CAUSE FOR DISCIPLINE
19 (CRIMINAL CONVICTION)

20 11. Respondent is subject to disciplinary action under sections 2761(f), 2762(c), and/or
21 490 in that on or about September 4, 2008, in a criminal proceeding entitled *The People of the*
22 *State of California v. Charles Marcus Lambert*, in Sonoma County Superior Court, Case Number
23 SCR543356, Respondent was convicted by his plea of nolo contendere of violating Vehicle Code
24 section 23152(b) (driving with blood alcohol level of .08% or above). Respondent was sentenced
25 to probation for three years, and ordered to pay fines in the amount of \$2,129.00. The
26 circumstances of the conviction were that on or about August 2, 2008, Respondent was arrested
27 on Church Street in Guerneville, California, for driving the wrong way on a one way street.
28 Respondent failed field sobriety tests, and his blood alcohol was .23%.

1 SECOND CAUSE FOR DISCIPLINE
2 (USE OF ALCOHOLIC BEVERAGES IN A MANNER DANGEROUS TO SELF OR
3 OTHERS)

4 12. Respondent is subject to disciplinary action under sections 2761(a) and/or 2762(b) in
5 that on or about August 2, 2008, Respondent was arrested on Church Street in Guerneville,
6 California, for driving the wrong way on a one way street. Respondent failed field sobriety tests,
7 and his blood alcohol was .23%.

8
9 PRAYER

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Registered Nursing issue a decision:

12 1. Revoking or suspending Registered Nurse License Number 457308, issued to Charles
13 Marcus Lambert.

14 2. Ordering Charles Marcus Lambert to pay the Board of Registered Nursing the
15 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
16 Professions Code section 125.3;

17 3. Taking such other and further action as deemed necessary and proper.
18
19

20 DATED: 4/15/10

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

21
22
23
24
25 SF2010200397
26
27
28